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October 5, 2017

Judge Vincent L. Briccetti
United States District Judge
United States Courthouse
300 Quarropas Street, Room 630
White Plains, New York 10601

Re: *Linda Tirelli*, individually and on behalf of those similarly situated , and
Brooke Merino, individually and on behalf of those similarly situated v. *Equifax*
Information Services, LLC, Case No. 7:17-cv-06868-VB

Dear Judge Briccetti:

Defendant Equifax Information Services, LLC (“Equifax”) hereby makes this Unopposed Letter-Motion to Stay or, In the Alternative, For an Extension of Time to Respond to the Complaint (the “Motion”), and requests that the Court stay all proceedings and deadlines in this action, pending resolution of motions for transfer and consolidation under 28 U.S.C. § 1407 that are currently pending before the Judicial Panel on Multidistrict Litigation (“JPML”) in *In re Equifax, Inc., Customer Data Security Breach Litigation*, MDL No. 2800 (J.P.M.L. Sept. 11, 2017) (“*In re Equifax*”).

This case is one of approximately 200 putative class actions filed in connection with the Equifax data security breach announced on September 7, 2017. In this case, Plaintiffs filed the complaint on September 11, 2017; Equifax was served on September 18, 2017; and Equifax’s deadline to answer or respond to the Complaint is currently October 10, 2017.

On September 11, 2017, plaintiffs in a related case, *McGonnigal v. Equifax, Inc.*, filed a motion for consolidation with and transfer to the JPML proceeding pursuant to 28 U.S.C. § 1407. See Notice Of Filing of Mot. to Transfer and Consolidate (“McGonnigal Motion”), *McGonnigal v. Equifax*, No. 1:17-cv-03422-WSD, Dkt. No. 9 (Sept. 15, 2017); see also *In re Equifax*, MDL No. 2800, at Dkt. No. 1 (Sept. 11, 2017). That motion seeks to consolidate 22 related actions with the *McGonnigal* case, and transfer them to the Northern District of Georgia. See McGonnigal Motion, *McGonnigal v. Equifax*, at Dkt. No. 9, exs. 1 & 2. Subsequently, multiple plaintiffs in other related cases filed § 1407 motions seeking consolidation and transfer. See *In*

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re Equifax, Dkt. Nos. 3–4, 10, & 19–20. Additionally, numerous notices of related actions have been filed in *In re Equifax*, and Equifax is aware of many additional related cases that have not yet been noticed to the JPML. *See, e.g., id.* at Dkt. Nos. 2, 5, 14–16, 29–30, 204–205.

The deadline for responses to all of the § 1407 motions in the JPML proceeding is October 6, 2017. To date, plaintiffs in a number of related cases have filed responses to the McGonnigal Motion, and all of them support consolidation—as does Equifax, whose response is forthcoming. *See id.* at Dkt. Nos. 11, 18, 37, 62, 68, 191, 208, 213, & 219–220. Given the extraordinary number of putative class actions, all directly related to the same underlying event, the JPML is very likely to grant the motions for consolidation and transfer in order to promote judicial economy and avoid duplicative pretrial proceedings. If the JPML does so, then this case would be consolidated with the other approximately 200 putative class actions for consolidated pretrial proceedings.

Equifax therefore respectfully requests that this Court stay all proceedings and deadlines in this case, pending the JPML’s decision on the § 1407 motions. Equifax makes this request in order to promote judicial economy, and avoid duplicative pretrial proceedings and potentially inconsistent pretrial rulings. *Royal Park Investments SA/NV v. Bank of Am. Corp.*, 941 F. Supp. 2d 367, 372–73 (S.D.N.Y. 2013) (“‘conserve[ing] judicial resources [is] one of the fundamental goals of multidistrict litigation practice.’”); *see, Specrite Design, LLC v. Elli N.Y. Design Corp.*, No. 16 CIV. 6154 (ER), 2017 WL 3105859 (S.D.N.Y. July 20, 2017) (same); *Fowler v. Hamilton Med. Ctr., Inc.*, No. 4:08-CV-0055-HLM, 2008 WL 11336192, at *2 (N.D. Ga. May 7, 2008) (“[C]ourts frequently grant stays pending transfer decisions by the JPML to avoid duplicative efforts and to promote judicial economy”); *Smith v. Mail Boxes, Etc.*, 191 F. Supp. 2d 1155, 1157 (E.D. Cal. 2002) (granting stay pending MDL Panel’s determination on transfer); *Rivers v. Walt Disney Co.*, 980 F. Supp. 1358, 1362 (C.D. Cal. 1997) (granting stay pending decision by MDL Panel because “a majority of courts have concluded that it is often appropriate to stay preliminary pretrial proceedings while a motion to transfer and consolidate is pending with the MDL Panel”). “This Circuit routinely grants motions to stay proceedings pending JPML action[, and] where a multi-district litigation proceeding has been established, courts have routinely stayed motions pending rulings by the JPML.” *Royal Park Investments*, 941 F. Supp. 2d at 370 (capitalization omitted). For these reasons, Equifax is also seeking to stay other related actions, pending a decision by the JPML.

Equifax has consulted with Plaintiffs’ counsel, who have consented to the request for a stay and do not oppose this Motion. A proposed order is attached as **Exhibit A**, and has been submitted directly to the Clerk via electronic mail.

In the alternative, should the Court decline to stay these proceedings, Equifax requests that the Court extend Equifax’s deadline to answer or respond to the Complaint to 30 days from such order denying the Motion so that Equifax be afforded adequate time to prepare such answer or response. Equifax has neither previously requested such extension, nor has Equifax’s deadline to answer or respond to the Complaint been extended previously.

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Sincerely,

A handwritten signature in blue ink, appearing to read 'Peter J. Isajiw', with a long horizontal flourish extending to the right.

Peter J. Isajiw

cc (via ECF): Javier L. Merino, Esq.

cc (via e-mail): Thomas A. Zimmerman, Jr., Esq.,
Robert A. Clifford, Esq.
Shannon M. McNulty, Esq.
David H. Krieger, Esq.
George Haines, Esq.
Matthew I. Knepper, Esq.
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